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4 MICHAEL KATZ-LACABE, et al.,
5 Plaintiffs,
6 v.
7 ORACLE AMERICA, INC.,
8 Defendant.

9 Case No. [3:22-cv-04792-RS](#) (KAW)

10 **ORDER REGARDING 3/22/24 JOINT
DISCOVERY LETTER RE
PLAINTIFFS' REQUESTS FOR
PRODUCTION OF DOCUMENTS**

11 [Discovery Letter #1]

12 Re: Dkt. No. 102

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14 On March 22, 2024, the parties filed a joint discovery letter concerning the sufficiency of
15 Defendant's document production. (Joint Letter, Dkt. No. 102.) On March 25, 2024, discovery in
16 this case was referred to the undersigned. (Dkt. No. 104.)

17 In sum, Plaintiffs contend that Defendant Oracle America, Inc.'s document production in
18 response to their First Set of Requests for Production was deficient based largely on the fact that
19 the agreed upon ESI search terms returned over 285,000 documents, and Oracle only produced
20 19,316. (Joint Letter at 1-2.) Now, Plaintiffs seek to compel the production of the remainder of
21 the 285,000 documents, because they contend that Oracle's relevance review is withholding
22 responsive documents. *Id.* at 2-3.

23 In opposition, Oracle argues that they are entitled to undertake a relevance review before
24 producing documents. (Joint Letter at 3.) Oracle further contends that it has fully satisfied its
25 discovery obligations with respect to these requests for production because it "ran the agreed
26 search terms against the agreed data sources, reviewed the results for responsiveness to Plaintiffs'
27 RFPs and for privilege, and produced the non-privileged, responsive documents." *Id.* at 4.

28 As Oracle argues, "a party's suspicion that all responsive documents have not been

1 produced, without more, is generally insufficient to warrant an order compelling production.”
2 *Swanson v. ALZA Corp.*, No. 12-cv-04579-PJH-KAW, 2013 WL 5538908, at *3 (N.D. Cal. Oct. 7,
3 2013) (citation omitted). While true, the Plaintiff’s concern is warranted, given the fact that only
4 6.8% of the documents that hit on the agreed upon search terms have been produced. Moreover,
5 while Oracle is entitled to undertake a review for relevance and privilege, Oracle has not produced
6 a privilege log regarding those otherwise relevant documents that have been withheld on privilege
7 grounds. (Joint Letter at 2 n. 4.) While the Court will not compel the production of the remaining
8 documents, Oracle must explain which documents have been withheld based on privilege.

9 Accordingly, the Court DENIES Plaintiffs’ request to compel the production of the
10 remainder of the 285,000 documents, but Defendant is ordered to produce a privilege log within
11 21 days of this order.

12 IT IS SO ORDERED.

13 Dated: April 19, 2024


14 KANDIS A. WESTMORE
15 United States Magistrate Judge